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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

WALTER BETSCHART, JOSHUA SHANE
BARTLETT, CALEB AIONA, TYRIK
DAWKINS, JOSHUA JAMES-RICHARDS,
TANIELA KINI KIN LATU, RICHARD
OWENS, LEON MICHAEL POLASKI,
ALEX SARAT XOTOY, TIMOTHY
WILSON, JEFFREY DAVIS, RICHARD
AARON CARROLL, SR., JENNIFER LYN
BRUNETTE, NICHOLAS WALDBILLIG,
DEREK PIMENO ZAVALA, CURTIS RAY
ANTHONY REMINGTON, CRISTA JEAN
DAVIS, NICHOLE LYNN WHALEN, and
JACOB ISAAC NATHANIEL COLE, on
their behalf, and on behalf of all others
similarly situated,

Case No. 3:23-cv-01097-CL
(LEAD)

JOINT STATUS REPORT

Petitioners,

v.

SHERIFF PATRICK GARRETT,
Washington County Sheriff, in his official
capacity, and WASHINGTON COUNTY
CIRCUIT COURT
JUDGES, in their official capacities, and
THE STATE OF OREGON,

Respondents.

-- AND --

DYLAN SCOTT TULIO, and MARCO
NAVARRETE, on their behalf, and on behalf
of all others similarly situated,

Case No. 1:23-cv-01533-MC

Petitioners,

v.

NATHAN SICKLER, JACKSON COUNTY
SHERIFF, in his official capacity, and THE
STATE OF OREGON,

Respondents.

The parties submit the following joint status report pursuant to this Court's October 21, 2024 scheduling order (ECF 121).

1. The Court's preliminary injunction was upheld by the Ninth Circuit. *Betschart v. Oregon*, 103 F.4th 607 (9th Cir. 2024). The State opted not to pursue a petition for rehearing or a certiorari petition.

2. In a separate memorandum opinion, the Ninth Circuit affirmed this Court's decision to abstain in the case of the proposed restrictive-conditions class. *Betschart v. Oregon*, 2024 WL 2801587 (9th Cir. May 31, 2024). The Ninth Circuit also declined to allow an appeal of the Court's denial of class certification for the proposed restrictive-conditions class. *Betschart v. Oregon*, No. 23-3573 (Doc. 27.1) (May 31, 2024).

3. Following the Ninth Circuit's affirmance of this Court's preliminary injunction, the Oregon Judicial Department updated its "Unrepresented Individuals" [dashboard](#) to track the numbers of persons potentially subject to the Court's order and those not subject to the Court's

order. The dashboard contains a [page](#) explaining the criteria used to determine display on the dashboard and the limitations to the data reporting. Exhibit A.

4. In the period since the Court's order has been in effect, the dashboard reflects that the number of persons "In-Custody-Potentially Subject to Betschart ≥ 7 Days" has remained low. Exhibit B. At the time of filing the "Unrepresented and In Custody" numbers are as follows:

CategoryNew	Unrepresented Today
In Custody - Potentially Subject to Betschart ≥ 7 Days	5
In Custody - Potentially Subject to Betschart < 7 Days	12
In Custody - Not Subject to Betschart	134

5. Additionally, the parties have discussed and are continuing to discuss whether they can reach a settlement regarding the terms of a permanent injunction. Counsel for the class, the State of Oregon, and Washington and Jackson Counties met on August 7, 2024, and had a productive discussion regarding possible settlement. Counsel for the class and the State of Oregon had a subsequent meeting on October 1, 2024, and established that there remained interest in continuing settlement discussions. The parties intend to continue those discussions, involving all parties, in earnest.

6. The parties are available to discuss any of the foregoing at the Court's convenience, or are amenable to a further status report deadline to report on the progress of settlement discussions.

Respectfully Submitted,

Dated: November 4, 2024.

/s/ Julie Vandiver

Julie Vandiver
Counsel for Petitioners

/s/ James Aaron

James Aaron
Counsel for State of Oregon

/s/ Eamon McMahon

Counsel for Patrick Garrett

/s/ Joel Benton

Counsel for Nathan Sickler